

## **Remarks**

### **I. Introduction**

This is in response to the Final Office Action dated January 6, 2009.

The Office Action rejected claims 1-9, 11, 12, 14-22, and 26-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,649,001 to Thomas et al. ("Thomas") in view of U.S. Patent Application Publication No. 2001/0037491 to Boggs et al. ("Boggs"), further in view of U.S. Patent Application Publication No. 2002/0011519 to John R. Shults, III ("Shults"). Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Boggs further in view of Cisco Systems. Claims 13 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Boggs further in view of U.S. Patent No. 6,978,319 to Rostoker et al. ("Rostoker"). Claims 23-25 and 30-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Boggs further in view of U.S. Publication No. 2003/0167391 to Al-Ali ("Al-Ali").

In response, Applicants present the remarks below. Claims 1-32 remain for consideration. In response to the finality of the Office Action, Applicants submit a Request for Continued Examination herewith.

### **II. Rejections under 35 U.S.C. §103**

Independent claims 1, 2, 9, 14 and 26 were rejected under 35 U.S.C. §103 as being unpatentable over Thomas in view of Boggs, further in view of Shults. In order to "establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP § 2143.03. None of the cited references, either alone or in combination, teach all of the claim limitations of independent claims 1, 2, 9, 14, and 26.

Therefore, Applicants request the withdrawal of the rejection of independent claims 1, 2, 9, 14, and 26 under 35 U.S.C. §103(a).

The subject area of the present invention relates generally to a device, system, and method for the automatic configuration of a network communication device. In one embodiment a programmable cable is adapted to configure a network communications device. The programmable cable has one end connectable to a PLC and another end connectable to the network communications device.

Figure 1 of the present application depicts a block diagram of an exemplary embodiment of system 1000 which is described in the specification in paragraphs 5 and 6. System 1000 can comprise a programmable cable 1100 having a first end 1101 couplable to network 1200 and a second end 1102 connectable to network communications device 1300. Network 1200 is couplable to computer 1400, such as a programmable logic controller (PLC) via network connection cable 1450.

A PIN number associated with a network communications device, such as a remote modem, is stored in the programmable cable. As explained in paragraph 3 of the present application, a power failure can cause a remote modem to restart which may subsequently require a password or other security code to be entered before the remote modem can be utilized. Paragraph 16 of the present application describes an embodiment of the present invention in which a PIN number is supplied by programmable cable 1100 to network communications device 1300 to allow operation of the network communications device 1300.

This aspect of storing a PIN number associated with a communications device in the programmable cable and supplying the PIN to the communications device in order to enable the network communication device is claimed in independent claim 2 which includes the limitation of "said programmable cable

adapted to automatically configure the network communications device by communicating the at least one of the plurality of configuration parameters and a PIN number associated with the network communications device to the network communications device to enable the network communications device to function.”

The Office Action admits that “[t]he combination of Thomas and Boggs does not teach a PIN number associated with enabling the cellular telephone modem [network communications device].” The Office Action indicates that this limitation is disclosed by Shults stating “Shults teaches a PIN number utilized in the identification of a cellular device [network communications device] that allows for enabling the device to function therein (EIN, paragraph 0031). However, for reasons discussed below, Shults does not disclose the limitation missing from Thomas and Boggs.

Shults is directed to a system and method for consumer identification using optical and electronic means. Shults describes a single apparatus with both electronic identity and optical identity which are used to identify a customer or user. The electronic identity is provided by a Radio Frequency Identification (RFID) circuit in the apparatus, while the optical identity is provided by a 1D or 2D barcode affixed to the apparatus. When the apparatus is scanned at a point-of-sale system with an RFID or barcode reader, the appropriate identity is provided to the point-of-sale system, thereby allowing a customer to link the transaction with a customer account (Shults Abstract.)

Paragraph [0031] of Shults indicates that in one embodiment “electronic circuit 104 [which provides the electronic identity of the single apparatus] is an analog or digital cellular telephone, and that the electronic identity stored in memory 208 is the Electronic identification number (EIN) of the cellular telephone.” However, the EIN is transmitted from the cellular telephone to another device to identify a user associated with the cellular telephone. **The EIN**

**is not transmitted to the cellular telephone** and the EIN is not transmitted to the cellular telephone to enable the cellular telephone to function. Therefore, Shults, Thomas and Boggs, separately or in combination, do not disclose "said programmable cable adapted to automatically configure the network communications device by communicating the at least one of the plurality of configuration parameters and a PIN number associated with the network communications device to the network communications device to enable the network communications device to function" as recited in independent claim 2. As such, the cited references do not disclose each and every limitation of independent claim 2.

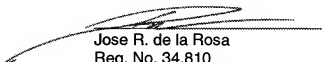
Independent claims 1, 9, 14, and 26 each contain limitations similar to the limitation discussed above in connection with independent claim 2. Therefore, the cited references, either alone or in combination, do not disclose each and every limitation of independent claims 1, 9, 14, and 26 for the same reasons discussed above in connection with independent claim 2. As such, the cited references cannot render independent claims 1, 2, 9, 14, and 26 unpatentable under 35 U.S.C. §103(a). Accordingly, Applicants respectfully request withdrawal of the rejections of independent claims 1, 2, 9, 14, and 26 under 35 U.S.C. §103(a).

For the reasons discussed above, independent claims 1, 2, 9, 14, and 26 are allowable over the cited art. All remaining dependent claims are dependent upon an allowable independent claim and are therefore also allowable.

III. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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